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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,072	02/05/2001	Ilkka Rata	11001.070	2484

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EXAMINER

BRYANT, DAVID P

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 09/10/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,072

Applicant(s)

RATA, ILKKA

Examiner

David P. Bryant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II (claims 7-10) in Paper No. 4 is acknowledged.

Claims 1-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7:

In line 7, the language "to that both" is confusing. Apparently, "to" should be changed to --from--.

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In lines 8-9, "the profiling forming the retention members" is indefinite for lacking proper antecedent.

Claim 10:

In line 2, "holes or similar" is indefinite because the claim includes elements not actually disclosed (i.e. those encompassed by "or similar"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d). It is suggested that "or similar" be deleted.

In line 3, "the blade-moving devices to be used" is indefinite for lacking proper antecedent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopfe et al. (U.S. Patent No. 4,241,691) in view of Kirjava et al. (U.S. Patent Application Publication No. 2001/0052401) and Phelps (U.S. Patent No. 4,669,164).

Claim 7: In Figure 3, Hopfe et al. depict an essentially plate-like blade component **3** formed from composite material (column 2, lines 33-43), the blade component including integrally formed profiling at one end thereof in the form of a rounded retention member **12**, the retention member being sized to fit within a corresponding recess **15** on a blade holder **1**.

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Hopfe et al. fail to teach the claimed method steps for manufacturing the composite blade (i.e. applicant's recitation of "both the blade component and the profiling forming the retention members are manufactured simultaneously, and from which blank the blade with its retention members is detached").

Kirjava et al. teach a method for manufacturing a composite doctor blade by pultrusion. See paragraphs 0016, 0019, and 0020.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the composite doctor blade of Hopfe et al. by pultrusion (thus forming the blade component and the profiling/retention members simultaneously), in view of the disclosure in Kirjava et al. (in paragraph 0019) that forming doctor blades by "pultrusion is a highly desirable feature, because it permits continuous manufacture, in which case the overall economy of the manufacture is better and the product is of uniform quality."

Although Kirjava et al. infers (at least from the disclosure that pultrusion "permits continuous manufacture" and improves "the overall economy of the manufacture") that the pultrusion process would result in an elongated blank which would then be trimmed to size to form a plurality of doctor blades (as is well known in conventional pultrusion and extrusion processes), it is not explicitly clear that "the blade with its retention members is detached" from a blank, as recited by applicant in claim 7.

In Figures 1 and 2, Phelps depicts blades 11 being inserted within an impeller hub 1. The blades are provided with integrally formed profiling 16 which is accommodated within corresponding openings 14 in the impeller hub. As shown in Figure 3, an elongated blade blank

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12 is formed by extrusion, and individual blades are then detached from the blank using cutting tool 18 (see column 1, lines 58-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed an elongated doctor blade blank using the pultrusion method of Kirjava et al., and to subsequently detach individual doctor blades therefrom, as taught by Phelps, to efficiently manufacture the doctor blades of Hopfe et al.

Claim 8: As set forth above, Kirjava et al. teach pultrusion.

Claim 9: As set forth above, in accordance with the teachings of Phelps, a plurality of blades would be formed in the pultruded blank of Kirjava et al.

Allowable Subject Matter

Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach or suggest machining holes into the profiled retention member portion of the doctor blade in positions corresponding to holding features on the blade holder. The references of record teach *either* profiled end portions on the doctor blade which are seated within the blade holder, *or* holes/recesses in a substantially flat doctor blade which are used to secure the doctor blade to the blade holder, but *not both*.

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Conclusion

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David Bryant** whose telephone number is **(703) 308-1859**. Draft amendments or proposed changes to the application may be faxed directly to the examiner at any time via RightFAX at (703) 746-4213. The examiner can normally be reached on **Mondays-Thursdays from 6:30 AM to 5:00 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/



David P. Bryant
Primary Examiner
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